

# HOUSE BILL No. 1229

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 25-22.5-5-6; IC 29-2-16.1.

**Synopsis:** Anatomical gifts. Requires an individual who harvests human bone, skin, tissue, heart valves, ligaments, or tendons to register with the medical licensing board. Provides that if a person authorized to make an anatomical gift objects to the making of an anatomical gift, neither the hospital nor the procurement organization may contact the person at a later time to ask the person to allow the anatomical gift. Requires that before obtaining consent for an anatomical gift of a decedent, the hospital or procurement organization shall provide the person authorized to make an anatomical gift with written information concerning the procedures that will take place in or on the decedent's body.

**Effective:** July 1, 2015.

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January 13, 2015, read first time and referred to Committee on Public Health.

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First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## HOUSE BILL No. 1229

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A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 25-22.5-5-6 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) The board shall  
3 register as an eye enucleator an individual who qualifies for registration  
4 under rules adopted by the board under IC 25-22.5-2-7. An applicant  
5 for registration as an eye enucleator must submit evidence that the  
6 applicant has successfully completed a training program in the  
7 enucleation of eyes approved by the board. To be approved, a training  
8 program must:  
9 (1) be taught by one (1) or more surgeons or physicians;  
10 (2) include instruction and practice in:  
11 (A) anatomy and physiology of the eye;  
12 (B) the maintenance of a sterile field during the removal of an  
13 eye; and  
14 (C) the use of appropriate instruments and sterile procedures  
15 for removing the eye; and



(3) comply with rules adopted by the board under IC 25-22.5-2-7. Registration of an eye enucleator under this ~~section~~ **subsection** does not qualify the eye enucleator to remove corneas or corneal tissue.

(b) The board shall register as a corneal excision technician a person who qualifies for registration under rules adopted by the board under IC 25-22.5-2-7. An applicant for registration as a corneal excision technician must submit evidence that the applicant has successfully completed a training program in corneal excision approved by the board. To be approved, a training program must:

(1) be taught by one (1) or more surgeons or physicians;

(2) include instruction and practice in:

(A) the anatomy and physiology of the eye;

(B) maintenance of a sterile field during the removal of a cornea, an eye, or part of an eye; and

(C) the use of appropriate instruments and sterile procedures for removing a cornea, an eye, or part of an eye; and

(3) comply with rules adopted by the board under IC 25-22.5-2-7.

A corneal excision technician registered under this ~~section~~ **subsection** may remove an eye, part of an eye, a cornea, and corneal tissue.

**(c) This subsection does not apply to a physician licensed under this article. The board shall register individuals who harvest human bone, skin, tissue, heart valves, ligaments, or tendons. Beginning October 1, 2015, an individual who is registered under this subsection may harvest human bone, skin, tissue, heart valves, ligaments, or tendons.**

~~(c)~~ **(d)** The board may revoke a registration issued under this section upon a showing of good cause for revocation.

~~(d)~~ **(e)** The board shall adopt rules under IC 25-22.5-2-7 to implement this section.

SECTION 2. IC 29-2-16.1-8, AS ADDED BY P.L.147-2007, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) Subject to subsections (b) and (c), unless barred by section 6 or 7 of this chapter, an anatomical gift of a decedent's body or part for the purpose of transplantation, therapy, research, or education may be made by any member of the following classes of persons who are reasonably available, in the order of priority listed:

(1) An agent of the decedent at the time of death who could have made an anatomical gift under section 3(2) of this chapter immediately before the decedent's death.

(2) The spouse of the decedent.

(3) Adult children of the decedent.



(4) Parents of the decedent.

(5) Adult siblings of the decedent.

(6) Adult grandchildren of the decedent.

(7) Grandparents of the decedent.

(8) An adult who exhibited special care and concern for the decedent.

(9) A person acting as the guardian of the decedent at the time of death.

(10) Any other person having the authority to dispose of the decedent's body.

(b) If there is more than one (1) member of a class listed in subsection (a)(1), (a)(3), (a)(4), (a)(5), (a)(6), (a)(7), or (a)(9) entitled to make an anatomical gift, an anatomical gift may be made by a member of the class unless that member or a person to whom the gift may pass under section 10 of this chapter knows of an objection by another member of the class. If an objection is known, the gift may be made only by a majority of the members of the class who are reasonably available.

(c) A person may not make an anatomical gift if, at the time of the decedent's death, a person in a prior class under subsection (a) is reasonably available to make or to object to the making of an anatomical gift.

**(d) If a person authorized to make an anatomical gift under subsection (a) objects to the making of an anatomical gift, neither the hospital nor the procurement organization may contact the person at a later time to ask the person to allow the anatomical gift. Subject to subsections (b) and (c), a hospital or procurement organization is not prohibited from contacting a person in a prior class under subsection (a) to make an anatomical gift.**

SECTION 3. IC 29-2-16.1-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 8.5. Before obtaining consent for an anatomical gift of a decedent, the hospital or procurement organization shall provide the person authorized to make an anatomical gift under section 8 of this chapter with written information concerning the procedures that will take place in or on the decedent's body if the person provides consent to make an anatomical gift.**

